

EXHIBIT 1B

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14 UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
22 Defendants.
23

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S SECOND SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS (NOS. 147-162)**

Trial Date: October 2, 2017

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants Uber
2 Technologies, Inc. and Ottomotto LLC (collectively “Defendants”) request that Plaintiff Waymo
3 LLC (“Waymo”) respond to Defendants’ First Set of Requests for Production of Documents (the
4 “Requests”). Defendants request that Waymo produce for inspection and copying the documents
5 and things set forth below at the offices of Morrison & Foerster LLP, 425 Market Street, San
6 Francisco, CA 94105-2482, within thirty (30) days, or such other time as the parties agree or the
7 Court orders.

DEFINITIONS

9 The words and phrases used in these Requests shall have the meanings ascribed to them
10 under the Federal Rules of Civil Procedure and the Local Rules of the United States District
11 Court for the Northern District of California. In addition, the following terms shall have the
12 meanings set forth below whenever used in any Request.

13 The following definitions apply to the instructions and requests below, regardless of
14 whether upper or lower case letters are used for the defined terms, and are incorporated into each
15 instruction and request as if fully set forth therein:

16 1. “Action” and “this Action” shall mean *Waymo LLC vs. Uber Technologies, Inc.,*
17 *Ottomotto LLC, and Otto Trucking LLC*, Case No. 3:17-cv-00939-WHA, pending in the United
18 States District Court for the Northern District of California.

19 2. “Alleged Waymo Trade Secret(s)” shall mean the last bullet point paragraph
20 (beginning with the text: “The trade secret claimed is”) in each numbered section of
21 Plaintiff’s List of Asserted Trade Secrets Pursuant to Cal. Code Civ. Proc. Section 2019.210
22 (ECF No. 25-7, Exhibit 1 to the Declaration of Jordan Jaffe).

23 3. “LiDAR” shall mean light detection and ranging technologies, also known as ladar
24 or laser radar.

25 4. "PCB" shall mean printed circuit board.

26 5. "The '922 patent" shall mean United States Patent No. 8,836,922, entitled
27 "Devices and Methods for a Rotating LiDAR Platform with a Shared Transmit/Receive Path."

28 6. "The '464 patent" shall mean United States Patent No. 9,285,464, entitled

1 "Devices and Methods for a Rotating LiDAR Platform with a Shared Transmit/Receive Path."

2 7. "The '273 patent" shall mean United States Patent No. 9,086,273, entitled

3 "Microrod Compression of Laser Beam in Combination with Transmit Lens."

4 8. "The '936 patent" shall mean United States Patent No. 9,368,936, entitled "Laser
5 Diode Firing System."

6 9. "Asserted Patents" shall mean the '922 patent, '464 patent, '273 patent, and
7 '936 patents, individually and collectively.

8 10. "Communication" shall mean any transmission of information by any means,
9 including without limitation: (a) any written letter, memorandum, or other Document of any kind
10 by mail, courier, other delivery services, telecopy, facsimile, telegraph, electronic mail,
11 voicemail, or any other means; (b) any telephone call, whether or not such call was by chance or
12 prearranged, formal or informal; and (c) any conversation or meeting between two or more
13 persons, whether or not such contact was by chance or prearranged, formal or informal.

14 11. "Concerning, "Concern," "Relating to," "Relate to," and "Related to," and any
15 variation of these terms, shall mean concerning, relating to, involving, discussing, regarding,
16 pertaining to, mentioning, commenting on, connected with, describing, depicting, demonstrating,
17 analyzing, explaining, summarizing, showing, evidencing, reflecting, identifying, setting forth,
18 dealing with, embodying, comprising, consisting of, containing, constituting, supporting, refuting,
19 contradicting, resulting from, recording, or in any way relevant to a particular subject, directly or
20 indirectly, in whole or in part.

21 12. "Document" or "Documents" shall have the broadest meaning possible under
22 Rules 26 and 34 of the Federal Rules and shall include without limitation: documents; ESI;
23 Communications in written, electronic, and recorded form; and tangible things.

24 13. "ESI" shall mean electronically stored information as defined by and used in the
25 Federal Rules.

26 14. "Include" and "Including" shall mean including without limitation.

27 15. "Person" shall mean any natural person or any corporation, partnership, or other
28 business, legal, or governmental entity or association, as well as its officers, directors, employees,

1 agents, representatives, consultants, and attorneys.

2 16. “Related Patent” shall mean: (a) any of the applications for the Asserted Patents or
 3 any United States or non-United States patent application to or through which any of the Asserted
 4 Patents claims priority; any predecessor, provisional, international, continuation, continuation-in-
 5 part, divisional, or reissue application of the foregoing patent application (including any rejected,
 6 abandoned, or pending application); any publication of the foregoing applications; any United
 7 States or non-United States patent that issues or has issued on any of the foregoing applications;
 8 or any patent issuing from any interference, reexamination, review, or opposition relating to any
 9 of the foregoing patents or patent applications; or (b) any United States or non-United States
 10 patent application that claims priority to or through any of the Asserted Patents; any predecessor,
 11 provisional, international, continuation, continuation-in-part, divisional, or reissue application of
 12 the foregoing patent application (including any rejected, abandoned, or pending application); any
 13 publication of the foregoing applications; any United States or non-United States patent that
 14 issues or has issued on any of the foregoing applications; or any patent issuing from any
 15 interference, reexamination, review, or opposition relating to any of the foregoing patents or
 16 patent applications.

17 17. “Waymo,” “Plaintiff,” “You,” and “Your” shall mean collectively and
 18 individually: Waymo LLC (previously Project Chauffeur), Google Inc., and Alphabet Inc.; their
 19 parents, predecessors, successors, assigns, affiliates, direct and indirect subsidiaries, and partners;
 20 any joint venture in which Waymo LLC, Google Inc., and/or Alphabet Inc. hold an interest;
 21 persons owned or controlled by the foregoing in whole or in part; and their officers, directors,
 22 employees, agents, representatives, accountants, financial advisors, consultants, and attorneys.

23 18. “Uber” shall mean Uber Technologies, Inc., and any predecessor or successor
 24 entities, any parents, subsidiaries, or affiliates, and any joint ventures in which Uber
 25 Technologies, Inc. holds an interest; persons owned or controlled by the foregoing in whole or in
 26 part; and their officers, directors, employees, agents, representatives, accountants, financial
 27 advisors, consultants, and attorneys.

28 19. “Ottomotto” shall mean Ottomotto LLC, and any predecessor or successor entities,

1 any parents, subsidiaries, or affiliates, and any joint ventures in which Ottomotto LLC holds an
 2 interest; persons owned or controlled by the foregoing in whole or in part; and their officers,
 3 directors, employees, agents, representatives, accountants, financial advisors, consultants, and
 4 attorneys.

5 20. “Otto Trucking” shall mean Otto Trucking LLC, and any predecessor entities, any
 6 parents, subsidiaries, or affiliates, and any joint ventures in which Otto Trucking LLC holds an
 7 interest; persons owned or controlled by the foregoing in whole or in part; and their officers,
 8 directors, employees, agents, representatives, accountants, financial advisors, consultants, and
 9 attorneys.

10 21. “Defendants” shall mean Uber Technologies, Inc. (“Uber”) and Ottomotto LLC
 11 (“Otto”) and Otto Trucking LLC.

12 22. “Lyft” shall mean Lyft Inc. and any predecessor entities, any parents, subsidiaries,
 13 or affiliates, and any joint ventures in which Lyft Inc. holds an interest; persons owned or
 14 controlled by the foregoing in whole or in part; and their officers, directors, employees, agents,
 15 representatives, accountants, financial advisors, consultants, and attorneys.

16 23. “Waymo Complaint” or “Complaint” shall mean the First Amended Complaint
 17 filed by Waymo against Defendants in this action on March 10, 2017, and any further amended
 18 complaint filed by Waymo in this action.

19 24. “Waymo PI Motion” shall mean the Motion for a Preliminary Injunction filed by
 20 Waymo against Defendants in this action on March 10, 2017.

21 25. “Uber PI Opposition” shall mean the Opposition to Waymo PI Motion filed by
 22 Defendants in this action on April 7, 2017.

23 26. “Waymo PI Reply” shall mean the Reply in Support of the Waymo PI Motion
 24 filed by Waymo in this action on April 21, 2017.

25 27. “Uber PI Sur-Reply” shall mean the Sur-Reply to Waymo PI Motion filed by
 26 Defendants in this action on April 28, 2017.

27 28. “Waymo Side Project(s)”/“Side Project(s)” or “Waymo Side Business(es)”/“Side
 28 Business(es)” shall mean personal side project(s) or business(es) in which a Waymo employee

1 participates while employed at Waymo LLC or Project Chauffeur.

2 29. "Alphabet Side Project(s)"/"Side Project(s)" or "Alphabet Side
3 Business(es)"/"Side Business(es)" shall mean personal side project(s) or business(es) in which a
4 Google Inc. or Alphabet Inc. employee participates while employed at Google or Alphabet,
5 including but not limited to Zee.Aero, Kitty Hawk, and Tiramisu.

6 **INSTRUCTIONS**

7 1. You must respond to these requests for Documents in accordance and compliance
8 with the Federal Rules, the Local Rules, any relevant order entered in this Action, and the Default
9 Standard for Discovery in this judicial district or other superseding agreements between the
10 parties related to discovery.

11 2. In accordance with the applicable Federal Rules, the requests below seek the
12 production of all responsive Documents in Your possession, custody, or control.

13 3. All documents shall be produced in the following form:

14 (i). Single-page group IV TIFFs in at least 300 dpi for black and white images,
15 or .JPG for images produced in color;

16 (ii). Searchable text files at the document level (one text file for each document,
17 rather than one text file for each page of a document) for each document bearing the name of the
18 beginning production number for each document (text of native files to be extracted directly from
19 native files where possible; OCR for paper documents);

20 (iii). Database load files and cross reference files, e.g., Concordance default
21 delimited file (metadata) and an Opticon-delimited file (image reference files), and including the
22 following fields (to the extent the metadata is available): Beg Bates No., End Bates No., Bates
23 Range, Bates Parentid, Attach Begin, Attach End, Page Count, From/Author, To/Recipient(s),
24 CC, Bcc, Email Date Sent, Email Time Sent, Email Date Received, Email Time Received, Email
25 Subject, Custodian, File Name, Document Created Date, Document Last Modified Date,
26 Document Last Accessed Date, File Type, Location/Source, Text Link (path to text), Native Link
27 (path to native file); and

1 (iv). MS Excel, MS Powerpoint, MS Access, and comparable spreadsheet,
2 presentation, and database files, and audio and video files, shall be produced in native format to
3 the extent they do not include privileged redactions. A party may make a reasonable request to
4 receive additional document in its native format, and upon receiving such a request, the producing
5 party shall produce the document in its native format.

6 4. All Documents are to be produced as kept in the usual course of business, or as
7 organized and labeled to correspond to the specific requests set forth below, or as otherwise
8 agreed in writing between You and Defendants.

9 5. All drafts of a responsive Document must be produced, as well as all non-identical
10 copies of the Document. Any comment, notation, or other marking shall be sufficient to
11 distinguish Documents that are otherwise similar in appearance and to make them separate
12 Documents for purposes of Your response. Any preliminary form, intermediate form, superseded
13 version, or amendment of any Document is to be considered a separate Document.

14 6. The file folder or other container in which a Document is kept is deemed to be an
15 integral part of the Document and shall be produced with the Document.

16 7. Each paragraph and subparagraph of these instructions and the requests for
17 production, as well as the definitions herein, shall be construed independently, and no paragraph
18 or subparagraph or definition shall limit the scope of any other.

19 8. If You object to any Document request or any part of a Document request, identify
20 the part to which You object, state the objection(s) with specificity, and provide a response to the
21 remaining unobjectionable part.

22 9. If You object to all or any part of a Document request, the objection must state
23 whether any responsive Documents are being withheld on the basis of that objection.

24 10. If You withhold any Document based on a claim of privilege, immunity, or
25 protection from disclosure, You must provide a statement of the claim in accordance with Rule
26 26(b)(5) of the Federal Rules, and as required by Provision 1(d) of the Default Standard for
27 Discovery in this judicial district or as otherwise agreed by the parties. Such statement should
28 explain and substantiate the claim so as to permit adjudication of the claim's propriety.

11. If a Document is in a language other than English, and an English translation exists, provide both the original and the English translation.

12. If You have no Documents in Your possession, custody, or control that are responsive to a particular Document request, please so state.

13. The requests, definitions, and instructions herein are propounded for the purpose of discovery and are not to be taken as a waiver of or prejudice to any objections that may be made at any hearing or trial in this Action to the introduction of any evidence relating to Documents responsive to these requests or as an admission of the authenticity, relevance, or materiality of Documents responsive to these requests.

14. These requests shall be deemed to be continuing in accordance with Rule 26(e) of the Federal Rules, so that You are required to supplement Your response and production if You come into the possession, custody, or control of additional responsive Documents between the time of initial production and the time of trial.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 147:

All communications with Lyft about past, current, or potential competition with Uber.

REQUEST FOR PRODUCTION NO. 148:

All documents relating to Waymo's analysis of Lyft as a potential acquisition target, including Lyft's past, current, or potential competition with Uber.

REQUEST FOR PRODUCTION NO. 149:

All agreements (including exhibits) with Lyft regarding autonomous vehicles, including the “deal” between Waymo and Lyft identified in the May 14, 2017 *New York Times* article titled “Lyft and Waymo Reach Deal to Collaborate on Self-Driving Cars.”

REQUEST FOR PRODUCTION NO. 150:

Any letter of intent or interest relating to the “deal” between Waymo and Lyft identified in the May 14, 2017 *New York Times* article.

1 **REQUEST FOR PRODUCTION NO. 151:**

2 Any term sheet relating to the “deal” between Waymo and Lyft identified in the May 14,
3 2017 *New York Times* article.

4 **REQUEST FOR PRODUCTION NO. 152:**

5 Any definitive agreement relating to the “deal” between Waymo and Lyft identified in the
6 May 14, 2017 *New York Times* article.

7 **REQUEST FOR PRODUCTION NO. 153:**

8 Any analysis or due diligence relating to the “deal” between Waymo and Lyft identified in
9 the May 14, 2017 *New York Times* article.

10 **REQUEST FOR PRODUCTION NO. 154:**

11 Documents sufficient to show the dates of the first ten communications between Waymo
12 and Quinn Emmanuel Urquhart & Sullivan, LLP relating to the “deal” between Waymo and Lyft
13 identified in the May 14, 2017 *New York Times* article.

14 **REQUEST FOR PRODUCTION NO. 155:**

15 Documents sufficient to identify all individuals at Waymo or Lyft who were responsible
16 for negotiating or conducting due diligence relating to the “deal” between Waymo and Lyft
17 identified in the May 14, 2017 *New York Times* article.

18 **REQUEST FOR PRODUCTION NO. 156:**

19 Documents sufficient to identify the first date that Waymo began discussion of any
20 potential merger or agreement with Lyft.

21 **REQUEST FOR PRODUCTION NO. 157:**

22 Documents sufficient to identify the first date that Waymo began discussion of potentially
23 entering the ride-sharing market.

24 **REQUEST FOR PRODUCTION NO. 158:**

25 Documents sufficient to identify the first date that Waymo instituted a litigation hold
26 pertaining to this Action.

REQUEST FOR PRODUCTION NO. 159:

Documents, including organizational charts and personnel lists, sufficient to describe Waymo's organizational structure in terms of employees, their positions and hierarchy, and the division/business unit/departmental/group structure.

REQUEST FOR PRODUCTION NO. 160:

All documents in which Waymo has advised its employees that a specific Alleged Waymo Trade Secret is in fact trade secret or confidential information.

REQUEST FOR PRODUCTION NO. 161:

All drafts of Defendants' Exhibit 1031, Bates-paged WAYMO-UBER-00004175 – WAYMO-UBER-00004194.

REQUEST FOR PRODUCTION NO. 162:

All communications relating to preparation of Defendants' Exhibit 1031, Bates-paged WAYMO-UBER-00004175 – WAYMO-UBER-00004194.

Dated: May 17, 2017

MORRISON & FOERSTER LLP

By: /s/ Arturo J. González
ARTURO J. GONZÁLEZ

Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC